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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JOHN PETTITT, MURPHY LABRADOR
CORPORATION, MAX GSD TRUST OF
1998 BY BARBARA MUSSER,
TRUSTEE.

Case No.: 07-CV-05854 CW

**DECLARATION OF JON ARNESON
RE: FILING OF NOTICE OF APPEAL**

Plaintiffs,

Date: August 14, 2008
Time: 2:00 p.m.
Dept.: 2

V.

JOHN CHIANG, individually and in his capacity as STATE CONTROLLER OF THE STATE OF CALIFORNIA.

Defendant

20 | J. Jon Arneson, declare:

1. I am a legal secretary with the firm of Doherty Georgeson Kerley LLP. I have
been employed in that capacity in excess of 20 years. I also serve as the office manager of
Doherty Georgeson Kerley LLP.

24 2. On May 20, 2008, I assisted in e-filing of a notice of appeal in this action. I
25 personally observed Rita Coe and oversaw her efforts to e-file the notice of appeal. I did not
26 realize at the time that a filing fee was needed and that this document would not normally be e-
27 filed. I thought the notice had been received by the court.

1 3. On July 2, 2008, after discussions with the clerk of the court, it was discovered
2 that the notice of appeal had not been logged in or acknowledged within the electronic system. I
3 checked my records and for the first time realized that I had not received an e-mail notification
4 of the filing. I checked the court docket and confirmed that the notice of appeal did not appear.

5 4. I called the clerk's office which also confirmed that there was no evidence of the
6 e-filing and it was suggested I speak to Judge Wilken's clerk.

7 5. I spoke to Sheilah Cahill, Judge Wilken's clerk who confirmed that the chambers
8 copy of the notice of appeal sent to her would have been routinely discarded. She suggested
9 perhaps filing a motion for an extension of time to file the notice of appeal.

10 I declare under the penalty of perjury under the laws of California and the United States
11 that the foregoing is true and correct and, if called as a witness, I could testify competently
12 thereto. Executed on July 8, 2008, at San Rafael, California.



Jon Arneson

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